

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN ASSEMBLY MAY 4, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

No. 378

**Introduced by Assembly Member ~~Cook Hagman~~**

**(~~Coauthors: Assembly Members Adams, Beall, Tom Berryhill, Block, Davis, Hall, Lieu, Ma, Nestande, V. Manuel Perez, Portantino, Price, and Torres~~)**

**(~~Coauthors: Senators Liu and Maldonado~~)**

**(~~Principal coauthors: Senators Aanestad and Huff~~)**

**(~~Coauthors: Assembly Members Adams, Anderson, Bill Berryhill, Tom Berryhill, Conway, Cook, DeVore, Fletcher, Fuller, Gaines, Garrick, Gilmore, Harkey, Jeffries, Knight, Logue, Miller, Nestande, Niello, Nielsen, Norby, Silva, Smyth, Audra Strickland, Tran, and Villines~~)**

**(~~Coauthors: Senators Cogdill, Cox, Denham, Dutton, Emmerson, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland~~)**

February 23, 2009

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~~An act to amend Section 12301.6 of the Welfare and Institutions Code, relating to in-home supportive services. An act to amend Section 2811.5 of the Business and Professions Code, relating to nursing.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 378, as amended, ~~Cook Hagman. In-Home Supportive Services: provider training. Nursing: continuing education.~~

*Existing law, the Nursing Practice Act, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing and makes a violation of the act a crime. Existing law requires a licensee*

*renewing his or her license to submit proof to the board that during a specified time the licensee has been informed of developments in the registered nursing field either by pursuing a continuing education course offered by a provider approved by the board or by other means deemed equivalent by the board. Existing law requires the board to establish, by regulation, standards for continuing education. Existing law requires these standards to make a variety of alternative forms of continuing education available to licensees. Existing law requires the content of all courses of continuing education to be relevant to the practice of nursing.*

*This bill would provide that continuing education courses, as specified, that advance or promote labor organizing on behalf of a union, or that advance or promote statutory or regulatory changes, political candidates, political advocacy, or political strategy shall not be considered content relevant to the practice of nursing and shall not be acceptable for meeting requirements for licensure renewal. The bill would also prohibit an approved provider from representing that such a continuing education course is acceptable for meeting requirements for licensure renewal and would require the board, subject to specified procedural requirements, to withdraw its approval of a provider that violates that requirement for no less than 5 years, as specified.*

*Because a violation of these requirements by a provider would constitute a crime, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Under existing law, the functions of a nonprofit consortium contracting with the county, or a public authority established for this purpose, include providing training for providers and recipients.~~

~~This bill would require each public authority or nonprofit consortium, in consultation with its advisory committee and stakeholders, to develop training standards and core topics for the provided training.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 2811.5 of the Business and Professions*  
2     *Code is amended to read:*

3     2811.5. (a) Each person renewing his or her license under  
4     Section 2811 shall submit proof satisfactory to the board that,  
5     during the preceding two-year period, he or she has been informed  
6     of the developments in the registered nurse field or in any special  
7     area of practice engaged in by the licensee, occurring since the  
8     last renewal thereof, either by pursuing a course or courses of  
9     continuing education in the registered nurse field or relevant to  
10    the practice of the licensee, and approved by the board, or by other  
11    means deemed equivalent by the board.

12    (b) For purposes of this section, the board shall, by regulation,  
13    establish standards for continuing education. ~~The~~

14    (1) (A) *The standards shall be established in a manner to assure*  
15    *that a variety of alternative forms of continuing education are*  
16    *available to licensees, including, but not limited to, academic*  
17    *studies, in-service education, institutes, seminars, lectures,*  
18    *conferences, workshops, extension studies, and home study*  
19    *programs.* ~~The~~

20    (B) *Continuing education courses shall contain only content*  
21    *relevant to the practice of nursing as described in this section and*  
22    *as defined and described in Article 5 (commencing with Section*  
23    *1450) of Division 14 of Title 16 of the California Code of*  
24    *Regulations. Continuing education courses that advance or*  
25    *promote labor organizing on behalf of a union, or that advance*  
26    *or promote statutory or regulatory changes, political candidates,*  
27    *political advocacy, or political strategy shall not be considered*  
28    *content relevant to the practice of nursing and shall not be*  
29    *acceptable for meeting requirements for licensure renewal as*  
30    *described in subdivision (a). For the purposes of this section,*  
31    *“courses” includes institutes, seminars, lectures, conferences,*  
32    *workshops, and any other public events.*

1 (C) *The standards shall take cognizance of specialized areas of*  
2 *practice.* ~~The~~

3 (D) *The continuing education standards established by the board*  
4 *shall not exceed 30 hours of direct participation in a course or*  
5 *courses approved by the board, or its equivalent in the units of*  
6 *measure adopted by the board.*

7 (2) (A) *If an approved provider offers a course described in*  
8 *subparagraph (B) of paragraph (1), the provider shall not*  
9 *represent that the course is acceptable for meeting the continuing*  
10 *education requirements for licensure renewal. If a provider violates*  
11 *this requirement, the board shall withdraw its approval of the*  
12 *provider, subject to subparagraph (B).*

13 (B) *If, after the board provides the provider notice and an*  
14 *opportunity to be heard as described in Section 1459.1 of Title 16*  
15 *of the California Code of Regulations, the board finds that the*  
16 *provider violated the requirement in subparagraph (A), the board*  
17 *shall withdraw approval of the provider for no less than five years.*

18 (c) *The board shall encourage continuing education in spousal*  
19 *or partner abuse detection and treatment. In the event the board*  
20 *establishes a requirement for continuing education coursework in*  
21 *spousal or partner abuse detection or treatment, that requirement*  
22 *shall be met by each licensee within no more than four years from*  
23 *the date the requirement is imposed.*

24 (d) *In establishing standards for continuing education, the board*  
25 *shall consider including a course in the special care needs of*  
26 *individuals and their families facing end-of-life issues, including,*  
27 *but not limited to, all of the following:*

28 (1) *Pain and symptom management.*

29 (2) *The psycho-social dynamics of death.*

30 (3) *Dying and bereavement.*

31 (4) *Hospice care.*

32 (e) *In establishing standards for continuing education, the board*  
33 *may include a course on pain management.*

34 (f) *This section shall not apply to licensees during the first two*  
35 *years immediately following their initial licensure in California*  
36 *or any other governmental jurisdiction.*

37 (g) *The board may, in accordance with the intent of this section,*  
38 *make exceptions from continuing education requirements for*  
39 *licensees residing in another state or country, or for reasons of*  
40 *health, military service, or other good cause.*

1     *SEC. 2. No reimbursement is required by this act pursuant to*  
2     *Section 6 of Article XIII B of the California Constitution because*  
3     *the only costs that may be incurred by a local agency or school*  
4     *district will be incurred because this act creates a new crime or*  
5     *infraction, eliminates a crime or infraction, or changes the penalty*  
6     *for a crime or infraction, within the meaning of Section 17556 of*  
7     *the Government Code, or changes the definition of a crime within*  
8     *the meaning of Section 6 of Article XIII B of the California*  
9     *Constitution.*

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12     **All matter omitted in this version of the bill**  
13     **appears in the bill as amended in the**  
14     **Assembly, May 4, 2009. (JR11)**  
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